

ITEM NO. 7

STAFF REPORT

DATE: MAY 17, 2011
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD FOSTER, CITY MANAGER
PREPARED BY: MARK TOMICH, DEVELOPMENT SERVICES DIRECTOR
SUBJECT: CONTINUANCE OF HEARING ON THE APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT AND THE DECISION NOT TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE COLTON SOIL SAFE LAND IMPROVEMENT PROJECT (FILE INDEX NO.: DAP-000-910)

RECOMMENDED ACTION

Staff recommends, at the request of the applicant, that the City Council open the public hearing and then continue it until June 14, 2011 at 5:00 pm, if that date and time will work for the City Council. If not, an alternate date which is acceptable to the applicant will need to be selected.

BACKGROUND

Soil Safe of California (the Applicant) submitted a Development Application Form for a Conditional Use Permit (CUP) on May 11, 2010 for a temporary engineer fill manufacturing facility in order to process imported soil, mix it with cement, and place up to 500,000 cubic yards of engineered fill material on a 29-acre site located at the southerly terminus of Flores and Fernando streets. In addition, the Applicant has requested the use of a portion of the adjacent City-owned property in order to construct and maintain a temporary access road to the Project site, as well as an area to site an office trailer, weigh scale and employee parking area, for the 3 to 5-year life of the Project.

The project site is owned by the Maturin Group, and consists of three vacant parcels (APNs 0163-362-11, 0163-362-12, and 0163-362-26), totaling approximately 29 acres. The City of Colton property consists of two vacant parcels (APNs 0163-381-01 and 0163-381-02), totaling 17.5 acres.

ISSUES/ANALYSIS

On April 21, 2011, the Applicant filed an appeal of the Planning Commission's decision to deny the project and not to certify the EIR. The City Council's hearing will be a "de novo" proceeding, which means that the City Council hears the case anew and is not restricted solely to a review of the record presented to a Planning Commission.

At the request of the applicant, and to ensure that the City has plenty of time to consider the documentation and other evidence prepared for this project, staff is recommending that the

Staff Report to the Mayor and City Council
Continuance of Hearing on Appeal of the Planning Commission's Denial of the
CUP for the Colton Soil Safe Land Improvement Project
May 17, 2011
Page 2

hearing be opened and then continued to June 14, 2011 at 5:00 pm. This will be a meeting at which only this project will be considered, so that the applicant, the public, staff and the City Council have plenty of time to consider and act upon the appeal.

ALTERNATIVES

1. Provide alternative direction to staff.